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FILED BY THE BOARD OF
SOCIAL WORK EXAMINERS

April 11, 2001

STATE OF NEW JERSEY
DEPT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF SOCIAL WORK EXAMINERS

IN THE MATTER OF)
LISA ANN DE BACCO, C.S.W.,)
Respondent)

CONSENT ORDER

This matter was presented to the State Board of Social Work Examiners by the Attorney General of New Jersey, by Joan D. Gelber, Deputy Attorney General on administrative inquiry into a complaint received from a former patient at Greystone Park Psychiatric Hospital who had received social work services from Lisa Ann De Bacco, C.S.W. The purpose of the inquiry was to determine whether Ms. De Bacco had become involved in a personal and inappropriate relationship with the patient in violation of any of the provisions of N.J.S.A. 45:1-14 et seq. or of N.J.S.A. 45:15BB-1 et seq. or of the regulations promulgated pursuant to that act, N.J.A.C. 13:44G-1 et seq.

Respondent Lisa Ann De Bacco appeared on November 29, 2000, represented by Deborah A. Young, Esq., and responded under oath to the Board's concerns arising from this matter.

The Board has considered the facts as alleged by the patient, as developed in the course of investigation, and as alleged or confirmed by respondent. In brief summary for the purpose of this Consent Order, it appears that respondent had provided concrete social work services to A.C., a patient then committed to Greystone Hospital and that, during that time, respondent initiated a personal and inappropriate relationship with the patient including correspondence and exchange of gifts. Immediately after the patient's discharge, respondent initiated a personal and intimate relationship wholly outside of and unrelated to respondent's authorized professional duties which had by that time ceased. Respondent did not bring the matter to the attention of her supervisor at the

Hospital at any time. Respondent's employment at Greystone was terminated on or about July 1, 1996. It appears also that respondent persuaded A.C. not to disclose the then ongoing relationship to treating therapists.

It appears that the conduct of respondent was, as of the pertinent time and to date, in violation of numerous statutes and regulations administered by the Board, including but not necessarily limited to, N.J.A.C. 13:44G-4 et seq. and 13:44G-10 et seq., and of N.J.S.A. 45:1-21 and N.J.S.A. 45:15BB-1 et seq.*

Respondent has pleaded no contest to the allegations, and has submitted statements in mitigation.

The Board has taken into account and, in its determination, relies upon, representations of contrition, and the representation by respondent that she no longer holds herself out as authorized to practice, nor does she engage in, professional social work. She has further represented that she does not intend to seek renewal of her certification.

The Board, finding that in the circumstances respondent would not have been deemed eligible to continue her certification had it still been in effect, has received a proffer from respondent to surrender her certificate. In the interests of amicable resolution of this matter, and for good cause shown,

IT IS, ON THIS 11th DAY OF April, 2001
ORDERED:

1. The Board has agreed to accept the Respondent's immediate and voluntary surrender of her certificate of authority to engage in social work in the State of New Jersey. Such surrender shall be accomplished by the return of the certificate by way of registered mail to the State Board of Social Work Examiners, 124 Halsey Street, Sixth Floor, P.O. Box 45033, Newark, New Jersey 07101. Such surrender shall be mailed within three days of respondent's receipt of a filed copy of this Order. In the event that Respondent is unable to locate her original certificate of authority,

*The Board has also noted concerns with respondent's improper representation on a curriculum vitae/resume presented on and before November 2000 asserting the award of a Master of Arts, Seton Hall University - 2000".

Respondent shall certify under oath to her diligent efforts to locate said certificate and that if it is located in the future it shall promptly be surrendered to the Board.

2. The surrender of respondent's certification to practice social work in this State means that respondent shall not hold herself out as a social worker or practice social work in any setting in this State including but not limited to, exempt settings as defined in N.J.S.A. 45:15BB-5, nor shall she accept any other form of employment in a social work setting without the express prior approval of the Board.

3. Respondent is assessed civil penalties pursuant to N.J.S.A. in the amount of \$1,000.00 for the conduct summarized herein, and costs of \$5,817.00 related to the investigation and presentation of this matter pursuant to N.J.S.A. 45:1-25, as amended by P.L. 1999, ch. 403. Total payment of \$6,817.00 is due by certified check or money order made payable to the State of New Jersey within the time required by N.J.S.A. 45:1-24, delivered to the Board office address above.

4. Respondent has demonstrated inability to pay the amount in full at this time. A Certificate of Debt shall therefore be filed pursuant to N.J.S.A. 45:1-24. Installment payments have been requested by respondent and approved by the Board for good cause shown. Respondent shall pay \$500.00 on or before April 1, 2001, and \$50.00 on the first day of each month thereafter toward the debt, commencing May 1, 2001. Installment payments shall be applied first to costs and then to penalty. In the event that a monthly payment is not received within five days of its due date, the entire balance of the civil penalty and costs shall become due and owing.

5. Respondent shall not be deemed eligible for consideration of reinstatement by this Board in any social work capacity for a minimum of 5 years from the entry of this Order.

6. Any petition for reinstatement submitted in the future shall be preceded by respondent's arrangement for the preparation and submission to the Board of a comprehensive psychological assessment, obtained at respondent's expense, by an appropriate mental health professional licensed to practice in the State of New Jersey and possessing training and experience pertinent to the issues herein and having the advance approval of this Board for the purpose. Respondent hereby agrees that the examiner shall be provided with a copy of this Order and respondent consents to the release of the transcript of her Board appearance for the confidential use of the designated professional.

Respondent shall agree, upon the Board's request, to the release of any and all records relating to the evaluation, and shall fully comply with any recommendations contained in the evaluation.

7. A reinstatement petition must be supported, in addition, by documentary evidence in the form of a comprehensive report which shall demonstrate, to the satisfaction of the Board, that adequate personal therapy has been received by respondent, at her expense, from an appropriately licensed and trained mental health practitioner competent to address professional and personal concerns affecting the public safety with particular regard to the issues underlying this matter. Respondent shall provide a true copy of this Order to said practitioner when, and if, respondent requests that the required report be created.

8. Respondent shall further submit proof of having successfully completed and mastered a Board-approved course in ethics that has a focus on boundary issues in social work.

9. At Board request, respondent shall appear before the Board to demonstrate her then current eligibility to meet the requirements for practice in the requested capacity, including her ability and fitness to practice social work in the State of New Jersey.

THIS ORDER IS EFFECTIVE UPON ENTRY.

STATE BOARD OF SOCIAL WORK EXAMINERS

By: Mariagne E. Lattimer
Mariagne E. Lattimer, Ph.D., M.S.W., L.C.S.W.

I have read the foregoing and
I understand its terms. I consent
to the form, content and entry of this Order
by the State Board of Social Work Examiners.

Lisa Ann DeBacco

Date: 3-21-01

Witnessed by:

Deborah A. Young
Deborah A. Young, Esq.
Attorney for Lisa Ann De Bacco

**DIRECTIVES APPLICABLE TO ANY BOARD OF SOCIAL WORK EXAMINERS'
LICENSEE/CERTIFICATE HOLDER WHO IS DISCIPLINED OR WHOSE
SURRENDER OF LICENSURE HAS BEEN ACCEPTED**

A practitioner who is the subject of a disciplinary order of the Board is required to provide the information required on the addendum to these Directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq. Paragraphs 1 through 4 below shall apply when a license or certificate is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to a licensee/certificate holder who is the subject of an order which, while permitting continued practice, contains a probation of monitoring requirement.

1. Document Return and Agency Notification

The licensee/certificate holder (abbreviated herein as "licensee") shall promptly deliver to the Board office at P.O. Box 45033, 124 Halsey Street, 6th floor, Newark, New Jersey 07101, the original license/certificate and current biennial registration certificate. With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board.

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of social work in this State in any setting, whether or not defined as "exempt" from the ordinary requirements of licensure. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by the practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted.

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee shall not charge, receive or share in any fee for professional services rendered by him/her or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44 shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, the licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Patient Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

**NOTICE OF REPORTING PRACTICES OF
BOARD OF SOCIAL WORK EXAMINERS
REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Social Work Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record thereof, including the transcript and documents marked in evidence, are available for public inspection upon request.

Pursuant to Public Law 101-191, the Health Insurance Portability and Accountability Act, the Board is obligated to report to the Healthcare Integrity and Protection Data Bank any adverse action relating to a social worker:

- (1) Which revokes or suspends (or otherwise restricts) a license; or
- (2) Which censures, reprimands or places on probation, or restricts the right to apply or renew a license; or
- (3) Under which a license is surrendered.

In accordance with an agreement with the National Association of Boards of Social Work of the United States, a report of all disciplinary orders is provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order may appear on the public agenda for the monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.